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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,196	02/04/2002	Tyler Tierney	27734-93149	7067
23644	7590	02/26/2004	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			SWENSON, BRIAN L	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,196

Applicant(s)

TIERNEY ET AL.

Examiner

Brian Swenson

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/08/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because: the abstract is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 8, line 1 objected to because of the following informalities: "lugshaft" should be replaced with –lug shaft– for consistence with claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-12, 14-16 and 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,315,304 issued to Kirkland et al.

In regards to claims 1, 18 and 23 Kirkland et al. teach in Figures 1-9 and respective portions of the specification teach of a street vehicle including: an elongated platform (30); a pair of trucks (40; Figure 1 and 2) comprising: a base (50), a wheel support (52) pivotably associated with the elongated platform; an elastomer spring (126) connected to the wheel support for resisting pivoting of the wheel support relative to the elongated platform; and a wheel (56) rotatably mounted to the wheel support. The recitation "a street ski" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause.

In regards to claim 2 Kirkland et al teach of: the truck includes a base (50) rigidly secured to the elongated platform rotatably associating the wheel support with the elongated platform.

In regards to claim 3 Kirkland et al teach of: the spring engages the wheel support and the base for resisting pivoting of the wheel support relative to the base, see Col. 2, lines 60+ and Col. 3, lines 1-24.

In regards to claims 4, 7 and 19 Kirkland et al teach of: the spring has a substantially cylindrical configuration; see Figure 4, where cam portion (104) of the elastometric spring is substantially cylindrical.

In regards to claims 5 and 22 Kirkland et al teach of: the wheel support is raked, causing the wheel support to pivot in response to a shift in the rider's weight on the platform; See Figure 1.

In regards to claim 6 and 20 Kirkland et al teach of: a housing (12), and a lug shaft (elements 84 and 86 are both lug shafts) engaging the base and the housing, the lug shaft rigidly secured to the base, the housing pivotably associated with the lug shaft.

In regards to claim 9 Kirkland et al teach of: an outer cylinder member associated with the housing and having at least one outer cylinder spline and the spring defines at least one keyway receiving the outer cylinder spline.

In regards to claim 10 Kirkland et al teach of: spring is received within the housing, see Figures 1 and 4.

In regards to claim 11 and 24 Kirkland et al teach of: truck further includes an end cap engaging the lug shaft to retain the spring within the housing, end cap 94 engages lug shaft 84.

In regards to claim 12 and 21 Kirkland et al teach of: truck further includes a retaining clip (Kirkland et al. disclose a cotter key/clip can be used, Col. 5, lines 60-64) releasably engaged with the end cap for retaining the spring within the housing.

In regards to claim 14 Kirkland et al teach of: a second truck comprising: a second wheel support pivotably associated with the elongated platform; and a second

spring connected to the second wheel support for resisting pivoting movement of the second wheel support relative to the elongated platform; and a second wheel rotatably mounted to the second wheel support; See Figure 2, where a duplicate wheel support is used for the rear portion of the vehicle.

In regards to claim 15 Kirkland et al teach of: second wheel support is raked, causing it to pivot in response to a shift in the rider's weight on the platform; See Figure 2.

In regards to claims 16 and 25 Kirkland et al teach of: the wheel support and the second wheel support are raked in opposite directions, See Figures 1 and 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 13 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkland et al.

In regards to claim 8 Kirkland et al. disclose the claimed invention as disclosed above in reference to claims 1-2 and 6-7 above except for teaching of the lug shaft including at least one outwardly-extending lug shaft spline and wherein the spring defines at least one keyway for receiving the lug shaft spline. Kirkland et al. teach of the lug shaft (86) containing key ways (88) and the spring (126) containing splines (112). It would have been obvious to one having ordinary skill in the art at the time of

invention to place the spline on the lug shaft and the keyway on the spring, since it has been held that a reversal of the essential working parts of a device involves only routine skill in the art.

In regards to claims 13 and 17 Kirkland et al. disclose the claimed invention as disclosed above in reference to claims 1 and 14 including an axle (54) and wherein the wheel support comprises a member (52) engaging the axle along its length. Kirkland et al. do not teach of a pair of members for supporting the axle. It would have been obvious to one having ordinary skill in the art at the time of invention to include a pair of members that support the ends of the axle. One would be motivated to replace the single solid member for supporting the axle with a pair of axle support members to reduce the weight of the truck assemble. Additionally, such a modification would involve the construction of a formerly integral structure into various elements and would be within the level of routine skill in the art.

6. Claims 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkland et al. as applied to claim 23 above in view of 5,5058,474 issued to Yeh

Kirkland et al. disclose the claimed invention except for a platform with a front, rear and middle section where the middle section is placed lower than the front and rear sections and connected with a spacer.

Yeh, teaches in Figures 1-7 of a street vehicle including a middle section (1'; see at least Figure 6), the middle is placed lower than a front and rear platform sections (4). Yeh, teaches of securing front and rear trucks (5) to the front and rear sections and teaches of placing spacers (42) between the front and middle and rear and middle

sections. It would have been obvious to one having ordinary skill in the art at the time of invention that a platform with a lower middle section, as taught by Yeh could be used in the invention taught by Kirkland et al. One would be motivated to include a platform with a lower middle section to lower the center of gravity of the vehicle, increasing the stability of the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,523,837 issued to Kirkland teaches of an adjustable truck assembly for a street board vehicle.

U.S. Patent No. 5,154,436 issued to Jez et al. teach of a vehicle with a lower middle platform section than the front and rear platform sections.

U.S. Patent No. 4,155,565 issued to de Caussin et al. teach of a skateboard with a spacer connecting a truck to a platform.

U.S. Patent No. 4,311,319 issued to Snyder et al. teach of a roller skate truck with a lug bolt.

U.S. Patent No. 2,719,724 issued to Lundgren teach of a skate with pivoting front and rear wheels.

U.S. Patent No. 5,931,480 issued to Schroeder teach of a vehicle suspension that mounts to a user's foot.

U.S. Patent No. 5,879,013 issued to Shih and U.S. Patent No. 6,467,782 issued to Smith teach of a skate trucks.

U.S. Patent No. 6,419,249 issued to Chen and U.S. Patent No. 5,594,974 issued to Wattron et al. teach of a single steerable wheel.

U.S. Patent No. 6,511,083 issued to Tsai and U.S. Patent No. 6,305,698 issued to Liang teach of truck assemblies including a plurality of bearings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Swenson
Examiner
Art Unit 3618

BSL 2/21/04
bls

Brian L. Johnson 2/23/04
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